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March 30, 2017

Via ECF

Hon. Peggy Kuo, US Magistrate Judge
United States District Court, Eastern District
225 Cadman Plaza East, Courtroom 11-C South
Brooklyn, New York 11201

Re: Supplemental Status Report
Cabrera v. Summit Entertainment Corp., et al., Case No. 15-cv-07372

Dear Magistrate Judge Kuo:

This firm represents the defendants in the above-referenced matter. I am writing on behalf of counsel for both parties to provide the Court with a supplemental status report with respect to the issue of whether plaintiff, Khristie Cabrera, timely and effectively opted out of the parallel state court class action, pursuant to your Honor's March 28, 2017 order.

The Final Order Approving Settlement (the "Order") was signed by Justice Feinman on March 10, 2017, and was entered in the Office of the Nassau County Clerk on March 15, 2017. A copy of said order is annexed hereto for your reference.

We respectfully direct your Honor's attention to page 3 of the Order, whereby, in reference to Ms. Cabrera, Justice Feinman ordered that "...the one individual that identified through counsel that she elected to opt-out is deemed a valid opt-out and she may continue to pursue her claims."

Thus, counsel for the parties concur that the state class action settlement does not bar Ms. Cabrera's claims in this action because Ms. Cabrera's opt-out of the state class action settlement effectively preserved her independent right to pursue her claims herein.

Thank you.

Respectfully submitted,

/s/
ELBERT F. NASIS, ESQ.
Counsel for Defendants

/s/
SAUL ZABELL, ESQ.
Counsel for Plaintiff

cc: Raymond Nardo, Esq. (via ECF)